REMARKS

This paper is responsive to the Office Action dated December 10, 2007. A Request for Continued Examination is enclosed.

RESPONSE TO ARGUMENTS

The Office Action states in paragraph 1 that Shiimori '461 in view of Cocotis does not teach transmitting an image directly to a fulfillment center processing unit, however that Cocotis '964 teaches transmitting the image directly to a fulfillment center processing unit. This statement does not address the claims presented in the previous response dated October 4, 2007 nor the issues discussed in the interview of 27 September 2007. The claims actually say that a **photographer processing unit** transmits the image directly to the fulfillment center using the routing information. This was the limitation discussed in the interview on 27 September 2007. In that interview, Cococitis et al. was fully considered and the Examiner suggested that a claim limitation that the photographer processing unit transmits the image directly to the fulfillment center processing unit using the routing information, would make the claim patentable over the combination of Schiimori and Cocotis et al. This claim was duly made in the response of October 4, 2007. In fact, Cocotis et al. does not teach the photographer processing unit transmitting the image directly to a fulfillment center processing unit.

As shown in FIG. 4 of Cococtis et al. and described at Col. 7, lines 45 – 56, the digital image is sent from the interactive photo shop 402 to the photo service provider404. The interactive photo shop is not the photographer unit, but rather is a retail merchant. See, col. 1, lines 15-20. The purpose of having the retail merchant (interactive photo shop) send the image to the photo service provider is to permit the retailer to maintain control over the photo print products and services, and not the photographer. See, col. 2, lines 44-51 and col. 3, lines 1-3. Thus, as maintained consistently by the application throughout this prosecution, Cococtis et al. teaches against the image being sent directly to the fulfillment center by the photographer.

Combining a reference that teaches against a limitation (Cococtis et al.) with another reference that admittedly does not contain the limitation (Schiimori) does not create a prima facie case of obviousness under 35 U.S.C. 103(a).

DRAWINGS

The drawings were objected to under 37 CFR 1.84 because of references in FIG. 7 to numerals of FIG. 3 that were not present in FIG. 3. A corrected drawing sheet overcoming this rejection is enclosed.

CLAIM OBJECTIONS

Claims 1, 13 and 44 were objected to because of three informalities. Each of these claims has been amended as suggested by the Examiner.

CLAIM REJECTIONS – 35 USC § 112

Claims 87-90 were rejected under 35 U.S.C. 112 as containing subject matter that was not described in the specification. While it is believed that this subject matter was in the specification, it has been deleted to reduce the issues in this application.

Claims 2, 3, 19, 38, 45, 46, 62 and 81 were rejected under 35 U.S.C. 112 on the basis that according to the specification the image cannot be received both from the photographer processing unit and the gateway processing unit. These claims have been canceled to reduce the issues in this application.

CLAIM REJECTIONS – 35 USC § 103

The Office Action repeats the rejection of the previous Office Actions of rejecting claims 1-3, 5, 7, 18-20, 22, 24-30, 40-46, 50, 59-63, 65, 67-73, 83-86, 89 and 90 under 35 U.S. c. 103(a) as being unpatentable over US Patent No. 6,853,461 issued to Shiimori (hereinafter "Shiimori') in view of US Patent No. 6,980, 964 issued to Cocotis et al. (hereinafter, Cocotis et al.). As shown above, the

combination of Cocotis et al. with Schiimori does not teach sending the image to the fulfillment center directly from the photographer processing unit. Instead they teach that the image is sent from the photographer unit 401 to the interactive photo shop 402, and then send to the photo service provider. 404. See FIG. 4 and col. 7, lines 26-56. The combination also does not disclose sending routing information to the photographer computer. No such routing information is required since the photographer sends the image to the interactive photo shop. We note that the Office Action states that the interactive photo shop is the same as the photographer computer. This is not what Cocotis et al. Says. Cocotis et al. states that the patron 401 "may be a photographer, film developer, etc.." More importantly, it says that the interactive photo shop is part of the system 15, 16, 17 that receives and processes the order from the world wide web. See FIGS. 1 and 3. It is part of the same retail system as the market portal, the only difference being that the retail system utilizes three servers. Since several of the limitations in claim 1 and 44 are not in either Cocotis et al. nor Shiimori nor the combination, these claims are patenable over the cited references.

Claims 2-3, 19 and 45-46 have been canceled. Claims 5, 7, 18, 20, 22, 24-30, 40-44, 50, 59-63, 65, 67-73, 83-86, 89 and 90 are patentable at least for the reason that they depend on a patentable claim and include all its limitations. *In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) at headnote 4. Further, with respect to claim 24, in Cocotis, the parameters are included in the gateway or marketing portal software, not in the request. Likewise, with respect to claims 25, 26, and 28, the parameters are in the gateway software, not the request from the photographer processing unit. In Shiimori, the request only includes area information. Further, with respect to claims 27 and 70, the portion of Shiimori referred to by the Office Action as including graphics, i.e., FIG. 18 and column 12, lines 14 – 24, does not include anything about graphics.

Claims 4, 6, 8-14, 31-34, 47, 49, 51-57, and 74-77, have been rejected under 35 USC 103(a) as being unpatentable over Shiimori and Cocotis as applied to claims 1, 7, 29, 30, 44, 50, 72, and 73 above, and further in view of allegedly well-known prior art. This rejection is respectfully traversed. All of these claims depend on a patentable claim and, therefore, are patentable. In addition, all of the rejections are based on the Examiner's opinion of what is well-known art, not references. While these limitations may be known in art somewhat distant from the photographic software art, no evidence is

provided that the specific applications of the limitations are known in the art of the invention. *Ex Parte Nouel,* 158 USPQ 237, 239 (POBA 1967) at headnote 2.

Claims 15, 21, 58, 64, 87 and 88 have been rejected under 35 USC 103(a) as being unpatentable over Shiimori and Cocotis as applied to claims 1, 20, 44, and 63 above, and further in view of Arledge, Jr., et al. (US Patent No. 6,535,294, hereinafter "Arledge"). This rejection is respectfully traversed. It is not seen how Arledge is related to the present invention. First of all, the portion of Arledge referred to by the Examiner, namely FIG. 7 and column 14, lines 16 – 31, does not disclose a web page with pointers to web pages listing options, but rather web pages listing products, such as t-shirts, mugs, posters, etc. See FIG. 7 and column 7, lines 29 – 34. Thus, Arledge does not provide the flexibility of the present system in which the options for printing the image can be specified. Further, Arledge presents to the end user fulfillment centers based on the state and country selected by the user. This teaches against the present invention in which the list of fulfillment centers has no relation to the state and country specified by the end user, but rather is related only to the options available at the fulfillment center. Further, once an end user selects a fulfillment center, it is fixed, and does not change. This is done to enhance end user loyalty. Once again, the idea is to control the end user. The end user cannot select a fulfillment center to fulfill a specific order. Nor can the end user select a fulfillment center based on the options available at the fulfillment center. In sum, Arledge does not provide what is missing in Shiimori and Cocotis. Thus, claims are patentable over the combination of Shiimori, Cocotis, and Arledge.

Claims 23, 35 – 39, 66, and 78 – 82 have been rejected under 35 USC 103(a) as being unpatentable over Shiimori and Cocotis as applied to claims 17, 29, 60, and 72 above, and further in view of Garfinkle et al. (US Patent No. 6,017,157, hereinafter "Garfinkle"). Claim 81 has been canceled. This rejection is respectfully traversed with respect to the other claims. All of these claims depend on a patentable claim and, therefore, are patentable. *In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) at headnote 4.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. Applicants believe no additional fee is due with this response. However,

if any additional fee is due, please charge our Deposit Account No. 50-1848, under Order No. 010684.0103PTUS from which the undersigned is authorized to draw.

Respectfully submitted,
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